

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:12-CT-3014-FL

ROGER LEE DEAL, SR., )  
                          )  
Plaintiff,             )  
                          )  
v.                      )  
                          )  
NURSE STEVENS; SERGEANT )                   ORDER  
TRIPLET; NORTH CAROLINA )  
DEPARTMENT OF CORRECTION; and )  
INMATE,                 )  
                          )  
Defendants.            )

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. The matter is before the court on plaintiff's motion of voluntary dismissal (DE # 3). An action may be dismissed voluntarily by plaintiff without order of the court by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R.Civ. P. 41(a)(1). Otherwise an action shall not be dismissed on the plaintiff's request except upon an order of the court. See Fed. R.Civ. P. 41(a)(2). At this point, defendants have not filed any responsive pleadings. Accordingly, plaintiff's motion (DE # 3) is GRANTED and the action is DISMISSED without prejudice.

SO ORDERED, this 14<sup>th</sup> day of February, 2012.

  
LOUISE W. FLANAGAN  
United States District Judge